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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,658	02/02/2006	Marko Hahn	3000-0044	7791
50811	7590	11/24/2008		
O'Shea Getz P.C. 1500 MAIN ST. SUITE 912 SPRINGFIELD, MA 01115			EXAMINER CONWAY, THOMAS A	
			ART UNIT 4182	PAPER NUMBER
			MAIL DATE 11/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/561,658	Applicant(s) HAHN ET AL.	
	Examiner THOMAS A. CONWAY	Art Unit 4182	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/19/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 and 05 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/19/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) was submitted on 12/19/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **CLAIM STATUS**

Claims have been amended as per applicant's request submitted on 02/05/2007. Claims 1-14 have been amended. Claim 15 has been cancelled. Claims 15-18 have been amended and claims 19-20 have been added.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-14,16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haan et al (True-Motion Estimation with 3-D Recursive Search block Matching, IEEE Transactions on Circuits and Systems for Video Technology, 1993, Vol. 3, No. 5, 368-379) hereafter referred to as "Haan".

Regarding **Claim 1, 3 and 7**, Haan discloses a method for determining a selection vector which represents a displacement vector for a displacement of an image area from a first position in a first image to a second position in a second image (page 369, col. 1; see also fig. 8), the method comprising the steps of: a) supplying a set of prediction vectors (page 369, col. 1 and eq. 2); b) supplying a set of test vectors (page

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369, col. 1 and eq. 1); c) selecting at least one test vector from the set of test vectors (page 369, col. 1) and performing an image comparison between a first image area in the first image and a second image area in the second image to obtain an image comparison result wherein a position of the second image area is displaced relative to the first image area by the at least one selected test vector (page 369, col. 1 and eq. 6); because the operations are done for all blocks, operation on at least one test vector (“candidate vector” in Haan) is implicit in the operation as well as the comparison result wherein a position of the second image area is displaced relative to the first image area by the at least one selected test vector (see fig. 8 as well); d) comparing the at least one selected test vector with at least one selected prediction vector to obtain at least one vector comparison result for each selected test vector (page 373, col. 1 and eq. 26) – in Haan, the test vectors (“candidate vectors”) are generated by the addition of “update vectors  $U(X,t)$ ” from the given prediction vector.  $||U(X,t)||$  represents the comparison result between the given prediction vector and its corresponding test vector. This type of operation is a typical method of comparing vectors and is well known in the art; e) supplying at least one quality characteristic for each selected test vector from both the image comparison result obtained for each selected test vector and from the vector comparison result for each selected test vector (page 373, col. 1 and eq. 26). The quality characteristic used in Haan is  $e(C,X,t)$  but Haan also mentions that other weights can be used from both the image comparison result obtained for each selected test vector and from the vector comparison result for each selected test vector (page 369,

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col. 2, lines 2-10) these weights can be set according to the placement of the adjoining blocks and their resultant vectors.

Haan fails to disclose determining a ranking order of the quality characteristics and selecting one of the selected test vectors as the selection vector from the set of test vectors based on the ranking order of the quality characteristics. Haan states that the test vector ("candidate vector" in Haan) having a particular quality characteristic (smallest error " $e(C,X,t)$ ") is chosen as the selection vector. Haan does not develop the particular method of its implementation but there are a wide variety of operations that could be used to find a test vector with the smallest error, including calculating the error of multiple test vectors, sorting them by maximum or minimum error and then appropriately selecting the desired vector by rank. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the method as outlined by Haan, the step of determining a ranking order of the quality characteristics and selecting one of the selected test vectors as the selection vector from the set of test vectors based on the ranking order of the quality characteristics.

Regarding **Claim 2**, Haan discloses the method of claim 1, where one set of test vectors is assigned to each prediction vector or to one group each of the prediction vectors, where the step of comparing utilizes the test vector set to compare at least one selected test vector from the test vector set with at least one selected prediction vector (eq. 1).

Regarding **Claim 4**, Haan discloses the method of claim 1 in which the step of selecting at least one test vector from the set of test vectors, and performing an image

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comparison between a first image area in the first image and a second image area in the second image to obtain an image comparison result wherein a position of the second image area is displaced relative to the first image area by the at least one selected test vector, where this step is implemented for all the test vectors (page 369 eq. 1 and 5)

Regarding **Claim 5**, Haan discloses the method of claim 1 in which the step of comparing the at least one selected test vector with at least one selected prediction vector to obtain at least one vector comparison result for each selected test vector, where this step is implemented for all the prediction vectors (page 369, eq. 2).

Regarding **Claim 16**, Haan discloses the method of claim 1, further comprising the step of supplying a set of selection vectors as a function of a set of prediction vectors and a set of test vectors (eq. 1).

Regarding **Claim 17**, Haan discloses the method of claim 1, further comprising the step of storing the selection vectors as new prediction vectors (eq. 1 and 2).

Regarding **Claim 19**, Haan discloses all the limitations of claim 19 (see claim 1 above) and states that the process can be done iteratively (Section II, paragraph 1).

Regarding **Claim 6 and 20**, Haan discloses the method of claim 1 and 19 upon which claims 6 and 20 are dependent, further comprising the step of linking the image comparison result for a selected one of the test vectors and the vector comparison result for a selected one of the prediction vectors, where the quality characteristic improves the less the selected test vector and the selected prediction vector differ from each other (page 373, eq. 26).

Regarding **Claim 8**, Haan discloses the method of claim 1, where steps c) through f) are performed at least twice (Section II, paragraph 1), where according to step g) at least one test vector is selected based on the ranking order of the quality characteristics (see claim 1 above), and where at least one test vector in a set of selected test vectors is generated for the subsequent image comparison in step c) (eq. 1 and 2).

Regarding **Claim 9**, Haan discloses the method of claim 8, where during the steps c) through f) one test vector is determined for each prediction vector, and where a set of test vectors is generated for the subsequent image comparison in step c) (eq. 5 and 6).

Regarding **Claim 10**, Haan discloses the method of claim 8, where from the selected test vector selected according to step g), one test vector of the set of test vectors is generated for the image comparison in step c) by vector addition with at least one modification vector (eq. 1).

Regarding **Claim 11**, Haan discloses the method of claim 10, where from the selected test vector selected according to step g), multiple test vectors are respectively generated by vector addition of multiple modification vectors (eq. 1).

Regarding **Claim 12**, Haan discloses the method of claim 11 but does not mention that with each repetition of steps c) through f), the modification vectors employed match in terms of their direction and the absolute value of the modification vectors becomes smaller in subsequent iterations of steps c) through f). Reduction of



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step length is a standard feature of block-matching methods and the since each subsequent modification vectors is referenced in further iterations, their directions matching would be an obvious result. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

Regarding **Claim 13**, Haan discloses the method of claim 11, where the modification vectors are a function of the determined quality characteristic supplied for the selected test vector (eq. 26).

Regarding **Claim 14**, Haan discloses the method of claim 13, where an absolute value of the modification vector becomes smaller as the quality characteristic improves (eq. 26).

Regarding **Claim 18**, Haan discloses the method of claim 1 but fails to disclose the steps of presetting or modifying the selection vectors according to a random schemes, and storing the preset or modified selection vectors as new prediction vectors. These are obvious variations of vector operations that one of ordinary skill in the art at the time the invention was made would have been aware of. Various methods of motion estimation which was known at the time of the invention implements these operations, for instance in layering image segmentation and other prediction vector block matching algorithms.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. CONWAY whose telephone number is

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(571) 270-5851. The examiner can normally be reached on Monday through Friday  
8AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THOMAS A. CONWAY

/TEMESGHEN GHEBRETINSAE/  
Primary Examiner, Art Unit 2611

11/10/08 C